

CLEARY GOTTlieb STEEN & HAMILTON LLP

One Liberty Plaza
New York, NY 10006-1470
T: +1 212 225 2000
F: +1 212 225 3999

clearygottlieb.com

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KARA A. HAILEY
ANNA KOGAN
BRANDON M. HAMMER
RESIDENT COUNSEL

D: +1 212 225 2333
memcdonald@cgsh.com

January 5, 2023

VIA ECF

The Honorable Lorna G. Schofield
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Manbro Energy Corp. v. Chatterjee Advisors, LLC, et al.*, No. 20-cv-3773 (LGS)

Dear Judge Schofield:

We write on behalf of Plaintiff Manbro Energy Corporation (“Plaintiff”) pursuant to the Court’s January 4, 2022 Order (ECF No. 295) directing Plaintiff to respond to Defendants’ request to file under seal (i) Defendants’ Memorandum of Law in Opposition to Plaintiff’s Motion *in Limine* No. 7 (ECF No. 275), and (ii) Exhibits A-B and D-G to the Declaration of Mark A. Kirsch in Opposition to Plaintiff’s Motions *in Limine* (ECF No. 277). Defendants note that they are not the parties “with an interest in confidential treatment” of information contained in Exhibits B and D-G. ECF No. 292. Plaintiff is cognizant of the standard for sealing, as cited in the Court’s prior orders, *see, e.g.*, ECF No. 96, and accordingly does not oppose Exhibits D and E being filed on the public docket without redactions. However, Plaintiff respectfully requests that Exhibits B and F-G remain under seal, and that Defendants be ordered to file a redacted version of those Exhibits on the public docket.

Exhibits B and F-G are excerpts from transcripts of the depositions of Chaya Slain, Jonathan McCloskey, and Joseph Cary, respectively (collectively, the “Excerpts”) and contain “[i]nformation . . . that [Manbro] reasonably and in good faith believes contains or would disclose non-public, confidential, proprietary, financial, . . . or commercially sensitive information” (“Confidential Discovery Material”). ECF No. 51 § 1.3. These transcripts were designated as Confidential pursuant to the Stipulation and Order of Confidentiality, ECF No. 51 § 3.2(d), and the Excerpts reveal commercially sensitive, non-public, proprietary information regarding Parkwood LLC’s investments and strategies that are unrelated to the investment at

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issue in the case at hand. This information is properly regarded as confidential and subject to sealing. *See Louis Vuitton Malletier S.A. v. Sunny Merchandise Corp.*, 97 F. Supp. 3d 485, 511 (S.D.N.Y. 2015) (granting redactions of confidential “business information and strategies”); *GoSmile, Inc. v. Dr. Jonathan Levine, D.M.D. P.C.*, 769 F. Supp. 2d 630, 649-50 (S.D.N.Y. 2011) (allowing sealing of documents “contain[ing] highly proprietary material concerning the defendants’ marketing strategies, product development, costs and budgeting”). Additionally, the presumption of public access here is “relatively weak because much of it is not relevant to the judicial function, and the relevant portions are described in the publicly-filed memoranda of law,” which have been filed on the public docket without redactions. ECF No. 293. Indeed, in their responses to Plaintiff’s motions *in limine*, Defendants do not cite to any of the excerpts that Plaintiff proposes to redact. Accordingly, Plaintiff respectfully requests that the Court direct Defendants to file redacted versions of the Excerpts, with the redactions proposed in Exhibits A-C hereto.

Respectfully Submitted,

/s/ Mark E. McDonald

Mark E. McDonald

cc: All Counsel of Record (via ECF)